IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 365 of 2004

Ashokk Kumar Chauhan
S/o Sri Kalu Ram
R/o Sarai Road
Near Bus Stand Jwalapur
Police Station Jwalapur
District Haridwar ……. Applicant

Versus

1. State of Uttarnachal
2. Chief Judicial Magistrate
   Haridwar District Haridwar
3. Sri Suresh Mani
   R/o Deputy Manager Power Grid Corporation
   District Haridwar ……. Opposite Parties

Sri Parikshit Saini learned counsel for the applicant
Learned A.G.A. counsel for the State

Hon'ble B.C. Kandpal, J.

This is the petition under Section 482 Cr.P.C. for quashing the impugned order dated 30.10.2003 passed by Learned First Chief Judicial Magistrate, Haridwar in case No. 5117 of 2003 State Vs. Adesh Kumar & others and quashing the chargesheet submitted by the Investigation Officer in Case Crime No. 164 of 2002 under Sections 323, 332, 353, 504 and 506 of I.P.C. Police Station Jwalapur, District Haridwar.

The opposite party No. 3 shall file the counter affidavit. It has been contended by the learned counsel for the applicant that the petitioner was in fact not the person who was present at the time of the occurrence and he is not connected with the commission of crime in any manner. It has also been stated, it is a case for wrong identity.

In the counter affidavit, although this fact has not bee disputed but I am of the view that this can be gone into only by the trial court where the trial is pending.

This court while stating in the jurisdiction under Section 482 Cr.P.C. can see only as to whether there is any abuse of process of court or not.

As the subject matter is to be considered by the trial court itself. I, therefore, do not find any justification for interfering in the matter by way of this petition.

The petition under Section 482 Cr.P.c. is accordingly dismissed.

(B.C. Kanapal, J.)

February 24, 2005
ASWAL